

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

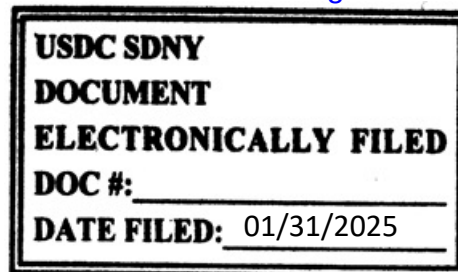
Maria Garcia,

Plaintiff,

-against-

Ray's Smoothies Inc., et al.,

Defendants.



1:22-cv-02234 (LGS) (SDA)

ORDER

WHEREAS, on July 24, 2024, Plaintiff filed a motion for a default judgment (Pl.'s Not. of Mot., ECF No. 27); and

WHEREAS, Plaintiff filed with the foregoing motion an attorney affirmation that referenced three exhibits, *i.e.*, Exhibit A, Exhibit 1 (damages spreadsheet-chart) and Exhibit 2 (billing records) (Stillman Aff., ECF No. 27-2, ¶¶ 9, 24, 35, 38 & 47); and

WHEREAS, no exhibits were filed to the ECF docket as part of Plaintiff's default judgment motion; and

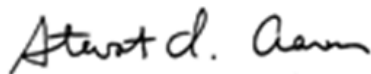
WHEREAS, on January 30, 2025, the Court granted Plaintiff's motion for a default judgment on Plaintiff's FLSA overtime claim and NYLL claims for failure to provide a wage notice and accurate wage statements, but denied the motion as to Plaintiff's FLSA minimum wage violation claim, and referred this case to the undersigned for a damages inquest with respect to the claims for which a default judgment was granted (1/30/25 Order, ECF No. 33, at PDF pp. 1-3).

NOW, THEREFORE, it is hereby ORDERED, that no later than February 14, 2025, Plaintiff shall:

1. File to the ECF docket a damages spreadsheet reflecting a calculation of the amount of damages due to Plaintiff on her FLSA overtime claim,<sup>1</sup> and also email a native version of the spreadsheet to [Aaron.NYSDChambers@nysd.uscourts.gov](mailto:Aaron.NYSDChambers@nysd.uscourts.gov).
2. File to the ECF docket contemporaneous billing records reflecting the hours spent on this case and the hourly rate charged.
3. File to the ECF docket a letter brief addressing whether Plaintiff contends she may recover on her FLSA overtime claim both liquidated damages and prejudgment interest, *see Brock v. Superior Care, Inc.*, 840 F.2d 1054, 1064 (2d Cir. 1988) (“It is well settled that in an action for violations of the Fair Labor Standards Act prejudgment interest may not be awarded in addition to liquidated damages.”), and, if so, the legal basis for her contention.

**SO ORDERED.**

Dated: New York, New York  
January 31, 2025



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**STEWART D. AARON**  
**United States Magistrate Judge**

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<sup>1</sup> The FLSA requires employers to compensate each employee “at a rate not less than one and one-half times the regular rate” for hours in excess of 40. *See* 29 U.S.C. § 207(a)(1). The regular rate is “the hourly rate actually paid the employee for the normal, non-overtime workweek for which he is employed,” *Walling v. Youngerman-Reynolds Hardwood Co.*, 325 U.S. 419, 424 (1945), and is calculated by “dividing the employee’s weekly compensation by the number of hours for which that compensation is intended.” *Moon v. Kwon*, 248 F. Supp. 2d 201, 230 (S.D.N.Y.2002); *see also* 29 C.F.R. § 778.109; 29 C.F.R. § 778.113(a).